

PATENT COOPERATION TREATY

From the
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

To:

The International Bureau of WIPO
34, chemin des Colombettes
CH - 1211 Geneva 20
Switzerland

PCT

NOTIFICATION CONCERNING
DOCUMENTS TRANSMITTED

Date of mailing
(day/month/year)

08.08.2006

International application No: PCT/EP2005/000873

This International Preliminary Examining Authority transmits herewith the following documents:

1. ☐ demand (Rule 61.1(a)).
2. ☒ copy of the international preliminary examination report and its annexes (Rule 71.1).
3. ☐ _____ other documents (*specify*):

Name and mailing address of the international
preliminary examining authority:



European Patent Office
D-80298 Munich
Tel. +49 89 2399 - 0 Tx: 523656 epmu d
Fax: +49 89 2399 - 4465

Authorized Officer

Moreno, R

Tel. +49 89 2399-2658



Box No. I Basis of the report

1. With regard to the **language**, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
- ☐ This report is based on translations from the original language into the following language , which is the language of a translation furnished for the purposes of:
- ☐ international search (under Rules 12.3 and 23.1(b))
 - ☐ publication of the international application (under Rule 12.4)
 - ☐ international preliminary examination (under Rules 55.2 and/or 55.3)
2. With regard to the **elements*** of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:

Description, Pages

1-21 as originally filed

Sequence listings part of the description, Pages

1-11 as originally filed

Claims, Numbers

1-40 as originally filed

Drawings, Sheets

1/4-4/4 as originally filed

☒ a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing

3. ☐ The amendments have resulted in the cancellation of:
- ☐ the description, pages
 - ☐ the claims, Nos.
 - ☐ the drawings, sheets/figs
 - ☐ the sequence listing (*specify*):
 - ☐ any table(s) related to sequence listing (*specify*):
4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
- ☐ the description, pages
 - ☐ the claims, Nos.
 - ☐ the drawings, sheets/figs
 - ☐ the sequence listing (*specify*):
 - ☐ any table(s) related to sequence listing (*specify*):

* If item 4 applies, some or all of these sheets may be marked "superseded."

Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

1. The questions whether the claimed invention appears to be novel, to involve an inventive step (to be non-obvious), or to be industrially applicable have not been examined in respect of:
- ☐ the entire international application,
 - ☒ claims Nos. 18, 37-38, 19-36, 39, 40
- because:
- ☐ the said international application, or the said claims Nos. relate to the following subject matter which does not require an international preliminary examination (specify):
 - ☐ the description, claims or drawings (*indicate particular elements below*) or said claims Nos. are so unclear that no meaningful opinion could be formed (*specify*):
 - ☐ the claims, or said claims Nos. are so inadequately supported by the description that no meaningful opinion could be formed.
 - ☒ no international search report has been established for the said claims Nos. 18, 37-38, 19-36, 39, 40
 - ☐ the nucleotide and/or amino acid sequence listing does not comply with the standard provided for in Annex C of the Administrative Instructions in that:
 - the written form ☐ has not been furnished
 - ☐ does not comply with the standard
 - the computer readable form ☐ has not been furnished
 - ☐ does not comply with the standard
 - ☐ the tables related to the nucleotide and/or amino acid sequence listing, if in computer readable form only, do not comply with the technical requirements provided for in Annex C-*bis* of the Administrative Instructions.
 - ☐ See separate sheet for further details

Box No. IV Lack of unity of invention

1. ☐ In response to the invitation to restrict or pay additional fees, the applicant has:
- ☐ restricted the claims.
 - ☐ paid additional fees.
 - ☐ paid additional fees under protest.
 - ☐ neither restricted nor paid additional fees.
2. ☐ This Authority found that the requirement of unity of invention is not complied with and chose, according to Rule 68.1, not to invite the applicant to restrict or pay additional fees.
3. This Authority considers that the requirement of unity of invention in accordance with Rules 13.1, 13.2 and 13.3 is
- ☐ complied with.
 - ☒ not complied with for the following reasons:
see separate sheet
4. Consequently, this report has been established in respect of the following parts of the international application:
- ☐ all parts.
 - ☒ the parts relating to claims Nos. Invention 1: claims 1-17 .

Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	-
	No: Claims	1-17
Inventive step (IS)	Yes: Claims	-
	No: Claims	1-17
Industrial applicability (IA)	Yes: Claims	1-17
	No: Claims	-

2. Citations and explanations (Rule 70.7):

see separate sheet

Supplemental Box relating to Sequence Listing

Continuation of Box I, item 2:

1. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this report has been established on the basis of:
 - a. type of material:
 - ☒ a sequence listing
 - ☐ table(s) related to the sequence listing
 - b. format of material:
 - ☒ in written format
 - ☒ in computer readable form
 - c. time of filing/furnishing:
 - ☒ contained in the international application as filed
 - ☒ filed together with the international application in computer readable form
 - ☐ furnished subsequently to this Authority for the purposes of search and/or examination
 - ☐ received by this Authority as an amendment on
2. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table(s) relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
3. Additional observations, if necessary:

PATENT COOPERATION TREATY

From the
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

To: KRAUSS, Jan, B. Boehmert & Boehmert Pettenkoferstr. 20-22 80336 Munich ALLEMAGNE

PCT

NOTIFICATION OF TRANSMITTAL OF THE INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(PCT Rule 71.1)

Date of mailing (day/month/year)		08.08.2006
Applicant's or agent's file reference I30265PCT		IMPORTANT NOTIFICATION
International application No. PCT/EP2005/000873	International filing date (day/month/year) 28.01.2005	Priority date (day/month/year) 28.01.2004
Applicant IMMATICS BIOTECHNOLOGIES GMBH et al.		

1. The applicant is hereby notified that this International Preliminary Examining Authority transmits herewith the international preliminary report on patentability and its annexes, if any, established on the international application.
2. A copy of the report and its annexes, if any, is being transmitted to the International Bureau for communication to all the elected Offices.
3. Where required by any of the elected Offices, the International Bureau will prepare an English translation of the report (but not of any annexes) and will transmit such translation to those Offices.


4. REMINDER

The applicant must enter the national phase before each elected Office by performing certain acts (filing translations and paying national fees) within 30 months from the priority date (or later in some Offices) (Article 39(1)) (see also the reminder sent by the International Bureau with Form PCT/IB/301).

Where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary report on patentability. It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned.

For further details on the applicable time limits and requirements of the elected Offices, see Volume II of the PCT Applicant's Guide.

The applicant's attention is drawn to Article 33(5), which provides that the criteria of novelty, inventive step and industrial applicability described in Article 33(2) to (4) merely serve the purposes of international preliminary examination and that "any Contracting State may apply additional or different criteria for the purposes of deciding whether, in that State, the claimed inventions is patentable or not" (see also Article 27(5)). Such additional criteria may relate, for example, to exemptions from patentability, requirements for enabling disclosure, clarity and support for the claims.

Name and mailing address of the international preliminary examining authority:  European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465	Authorized Officer Moreno, R Tel. +49 89 2399-2658	
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Re Item III.

1. As has been indicated by the International Searching Authority, claims 18, 37 and 38 lack clarity (Art. 5 and 6 PCT) to such an extent that a meaningful complete search could not be performed.
2. According to R. 66.1(e) PCT, claims, in respect of which no ISR has been established need not be the subject of International Preliminary Examination.

Re Item IV.

The separate inventions/groups of inventions are:

Invention 1: claims 1-18, 37, 38

A method for identifying and quantifying tumour-associated peptides, comprising the steps: providing a first sample of tissue or cells, providing a second sample of tissue or cells with the identical amount by weight or cellular count as the first sample, obtaining peptides from the first and the second sample, separately, chemically identically modifying the peptides from both samples in order to generate different physical characteristics in the peptides from the different samples, mixing of the so modified peptides from both samples, determining the amino acid sequences of the peptides, and determining the relative amount ratios of peptides from both samples having identical sequences, based on the different physical characteristics.

Inventions 2: claims 19-36, 39, 40 (all partially)

The tumour-associated peptide having the amino acid sequence according to seq. id. no. 1, its use, pharmaceutical compositions and methods based on it, nucleic acids, vectors encoding it and cells transfected by the latter.

Inventions 3-37: claims 19-36, 39, 40

The tumour-associated peptides having the amino acid sequence according to seq. id. no. 2-36 their use, pharmaceutical compositions and methods based on them, nucleic acids, vectors encoding them and cells transfected by the latter.

They are not so linked as to form a single general inventive concept (Rule 13.1 PCT) for the following reasons:

Claims 1 and 19 lack unity a priori, since they do not share any common technical features, besides that they are both related to tumour-associated peptides. Claim 1 is related to a method for identifying and quantifying tumour-associated peptides, comprising the steps: providing a first sample of tissue or cells, providing a second sample of tissue or cells with the identical amount by weight or cellular count as the first sample, obtaining peptides from the first and the second sample, separately, chemically identically modifying the peptides from both samples in order to generate different physical characteristics in the peptides from the different samples, mixing of the so modified peptides from both samples, determining the amino acid sequences of the peptides, and determining the relative amount ratios of peptides from both samples having identical sequences, based on the different physical characteristics.

Claim 19 is related to a tumour-associated peptide having an amino acid sequence that is selected from the group consisting of SEQ ID-No. 1 to 36 from the accompanying sequence protocol, wherein said peptide has the ability to bind to a molecule of the human major histocompatibility complex (MHC) class-I.

Said claims also solve different problems. The problem to be solved by claim 1 is to be seen as provision of a method for identifying and quantifying tumour-associated peptides, while the problem to be solved by claim 19 is the provision of specific peptides with specified sequences having the ability to bind to a molecule of the MHC class-I.

Furthermore, also claim 19 lacks unity of invention, since neither the functional feature "having the ability to bind to a molecule of the MHC class-I" can be seen as the common inventive concept linking the different embodiments of claim 19 (see abstract and introduction of D4 cited in the ISR) nor do the different sequences claimed under claim 19 share a common structural feature which would define the contribution made to the prior art. Thus, also the subject-matter of claim 19 is not so linked as to form a single general inventive concept.

In conclusion, neither the technical features in common to the groups of claims nor the problem solved by each of the different group of claims provide a corresponding special technical feature, which establishes a single general inventive concept linking any of the sets of claims. Thus, the technical relationship between the subject-matter of the sets of claims is missing and the requirement for unity of invention referred to in R. 13.1 PCT is

not fulfilled.

Re Item V.

1. Reference is made to the following documents:

- D1: WO 03/025576 A (XZILLION GMBH & CO. KG; THOMPSON, ANDREW, HUGIN; HAMON, CHRISTIAN; SCH) 27 March 2003 (2003-03-27)
- D2: MARTIN DANIEL B ET AL: "Quantitative proteomic analysis of proteins released by neoplastic prostate epithelium." CANCER RESEARCH, vol. 64, no. 1, 1 January 2004 (2004-01-01), pages 347-355, XP002359082 ISSN: 0008-5472
- D3: MORITZ BERND ET AL: "Approaches for the quantification of protein concentration ratios." PROTEOMICS, vol. 3, no. 11, November 2003 (2003-11), pages 2208-2220, XP002359083 ISSN: 1615-9853
- D4: WEINSCHENK T ET AL: "Integrated functional genomics approach for the design of patient-individual antitumor vaccines" CANCER RESEARCH, AMERICAN ASSOCIATION FOR CANCER RESEARCH, BALTIMORE, MD, US, vol. 62, no. 20, 15 October 2002 (2002-10-15), pages 5818-5827, XP002266492 ISSN: 0008-5472
- D5: BEARDSLEY RICHARD L ET AL: "Optimization of guanidination procedures for MALDI mass mapping." ANALYTICAL CHEMISTRY. 15 APR 2002, vol. 74, no. 8, 15 April 2002 (2002-04-15), pages 1884-1890, XP002359084 ISSN: 0003-2700
- D6: LEMMEL CLAUDIA ET AL: "Differential quantitative analysis of MHC ligands by mass spectrometry using stable isotope labeling" NATURE BIOTECHNOLOGY, vol. 22, no. 4, April 2004 (2004-04), pages 450-454, XP002359085 ISSN: 1087-0156

2. Novelty and inventive step

- 2.1 The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claims 1-3 is not new in the sense of Article 33(2) PCT.
- 2.2 Document D1 discloses (the references in parentheses applying to this document): A method for identifying and quantifying tumour-associated peptides, comprising the steps (see claims 25-26 and p. 45-46):
- (i) providing a first sample of tissue or cells (p. 45 and 46),
 - (ii) providing a second sample of tissue or cells with the identical amount by weight or cellular count as the first sample (p. 45 and 46),
 - (iii) obtaining peptides from the first and the second sample (p. 45 and 46),
 - (iv) separately, chemically identically modifying the peptides from both samples in order to generate different physical characteristics in the peptides from the different samples (claim 6),
 - (v) mixing of the so modified peptides from both samples (p. 45 and 46 and Example 3b),
 - (vi) determining the amino acid sequences of the peptides, and determining the relative amount ratios of peptides from both samples having identical sequences, based on the different physical characteristics (p. 45 and 46 and Example 3b).
- 2.3 Document D2 discloses (the references in parentheses applying to this document): The preamble is anticipated by the title and abstract. Steps (i)- (iii) (corresponding to steps a)-c) of claim 3) are anticipated by the abstract, p. 348, Materials and Methods, left col., second paragraph. Step (iv) (corresponding to steps d) -g) of claim 3) are anticipated by p. 348, Materials and Methods, left col., 4th paragraph to right col., first paragraph. Steps (v) and (steps h-i of claim 3) are anticipated by p. 348, Materials and Methods, right col., second paragraph and fig. 3 and tables 1-3.
- 2.4 Accordingly, document D3, which is a review on approaches for the quantification of protein concentration ratios discloses the subject-matter of claims 1-3 in chapter 3, in particular chapter 3.2.
- 2.5 Dependent claims 4-17 do not appear to contain any additional features which, in combination with the features of any of the claim to which they refer, meet the requirements of the PCT with respect to novelty or inventive step.



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Patent Office**

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EPO Customer Services

Tel.: +31 (0)70 340 45 00

Date

02.08.06

Reference	Application No./Patent No. 05701245.2 - 2404
Applicant/Proprietor Immatics Biotechnologies GmbH	

The international search report, or the declaration under Article 17(2)(a) PCT, has been published under Article 21(3) and Rule 48 PCT on 27.07.06. That publication takes the place of the mention of publication of the European search report (Art. 157(1) EPC).

The request for examination must be filed within **six months** from the above date (Art. 94(2) in conjunction with Art. 157(1) EPC). It is not deemed to have been filed until the examination fee has been paid. However, under Article 22 or 39 PCT in conjunction with Article 150(2) and Rule 107(1) EPC, the time limit for filing it does not expire before the end of the 31st month from the filing date (or earliest priority date). Payment of the designation fees must also be made within the above-mentioned period (R. 107(1) EPC). The same applies also for the extension fees.

If the request for examination is not filed in due time, and at least one designation fee is not paid, the European patent application is deemed to be withdrawn (Art. 94(3), 79(3) and R. 108(1) EPC).

For more details see the Guide for applicants Part 2: PCT proceedings before the EPO-"Euro-PCT".

Receiving Section



INTERNATIONAL SEARCH REPORT

International Application No

PCT/EP2005/000873

A. CLASSIFICATION OF SUBJECT MATTER
G01N33/68 C07K7/06

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

G01N C07K

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

EPO-Internal, BIOSIS

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	WO 03/025576 A (XZILLION GMBH & CO. KG; THOMPSON, ANDREW, HUGIN; HAMON, CHRISTIAN; SCH) 27 March 2003 (2003-03-27) the whole document	1-17
X	MARTIN DANIEL B ET AL: "Quantitative proteomic analysis of proteins released by neoplastic prostate epithelium." CANCER RESEARCH, vol. 64, no. 1, 1 January 2004 (2004-01-01), pages 347-355, XP002359082 ISSN: 0008-5472 the whole document	1-17

☒ Further documents are listed in the continuation of box C.

☒ Patent family members are listed in annex.

* Special categories of cited documents:

- *A* document defining the general state of the art which is not considered to be of particular relevance
- *E* earlier document but published on or after the international filing date
- *L* document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)
- *O* document referring to an oral disclosure, use, exhibition or other means
- *P* document published prior to the international filing date but later than the priority date claimed

T later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention

X document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone

Y document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.

Z document member of the same patent family

Date of the actual completion of the international search

15 December 2005

Date of mailing of the international search report

07. 04. 2006

Name and mailing address of the ISA

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Fax: (+31-70) 340-3016

Authorized officer

Lüdemann, S

C.(Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	MORITZ BERND ET AL: "Approaches for the quantification of protein concentration ratios." PROTEOMICS, vol. 3, no. 11, November 2003 (2003-11), pages 2208-2220, XP002359083 ISSN: 1615-9853 the whole document	1-17
A	WEINSCHENK T ET AL: "Integrated functional genomics approach for the design of patient-individual antitumor vaccines" CANCER RESEARCH, AMERICAN ASSOCIATION FOR CANCER RESEARCH, BALTIMORE, MD, US, vol. 62, no. 20, 15 October 2002 (2002-10-15), pages 5818-5827, XP002266492 ISSN: 0008-5472 the whole document	1-18,37, 38
A	BEARDSLEY RICHARD L ET AL: "Optimization of guanidination procedures for MALDI mass mapping." ANALYTICAL CHEMISTRY. 15 APR 2002, vol. 74, no. 8, 15 April 2002 (2002-04-15), pages 1884-1890, XP002359084 ISSN: 0003-2700 the whole document	1-18,37, 38
T	LEMMEL CLAUDIA ET AL: "Differential quantitative analysis of MHC ligands by mass spectrometry using stable isotope labeling" NATURE BIOTECHNOLOGY, vol. 22, no. 4, April 2004 (2004-04), pages 450-454, XP002359085 ISSN: 1087-0156 the whole document	1-18,37, 38

INTERNATIONAL SEARCH REPORT

International application No.
PCT/EP2005/000873

Box II Observations where certain claims were found unsearchable (Continuation of item 2 of first sheet)

This International Search Report has not been established in respect of certain claims under Article 17(2)(a) for the following reasons:

1. ☐ Claims Nos.:
because they relate to subject matter not required to be searched by this Authority, namely:
2. ☒ Claims Nos.:
because they relate to parts of the International Application that do not comply with the prescribed requirements to such an extent that no meaningful International Search can be carried out, specifically:
see FURTHER INFORMATION sheet PCT/ISA/210
3. ☐ Claims Nos.:
because they are dependent claims and are not drafted in accordance with the second and third sentences of Rule 6.4(a).

Box III Observations where unity of invention is lacking (Continuation of item 3 of first sheet)

This International Searching Authority found multiple inventions in this international application, as follows:

see additional sheet

1. ☐ As all required additional search fees were timely paid by the applicant, this International Search Report covers all searchable claims.
2. ☐ As all searchable claims could be searched without effort justifying an additional fee, this Authority did not invite payment of any additional fee.
3. ☐ As only some of the required additional search fees were timely paid by the applicant, this International Search Report covers only those claims for which fees were paid, specifically claims Nos.:
4. ☒ No required additional search fees were timely paid by the applicant. Consequently, this International Search Report is restricted to the invention first mentioned in the claims; it is covered by claims Nos.:
1-18, 37, 38

Remark on Protest

- ☐ The additional search fees were accompanied by the applicant's protest.
☐ No protest accompanied the payment of additional search fees.

FURTHER INFORMATION CONTINUED FROM PCT/ISA/ 210

This International Searching Authority found multiple (groups of) inventions in this international application, as follows:

Invention 1: claims 1-18, 37, 38

A method for identifying and quantifying tumour-associated peptides, comprising the steps: providing a first sample of tissue or cells, providing a second sample of tissue or cells with the identical amount by weight or cellular count as the first sample, obtaining peptides from the first and the second sample, separately, chemically identically modifying the peptides from both samples in order to generate different physical characteristics in the peptides from the different samples, mixing of the so modified peptides from both samples, determining the amino acid sequences of the peptides, and determining the relative amount ratios of peptides from both samples having identical sequences, based on the different physical characteristics.

Inventions 2: claims 19-36, 39, 40 (all partially)

The tumour-associated peptide having the amino acid sequence according to seq. id. no. 1, its use, pharmaceutical compositions and methods based on it, nucleic acids, vectors encoding it and cells transfected by the latter.

Inventions 3-37: claims 19-36, 39, 40

The tumour-associated peptides having the amino acid sequence according to seq. id. no. 2-36 their use, pharmaceutical compositions and methods based on them, nucleic acids, vectors encoding them and cells transfected by the latter.

FURTHER INFORMATION CONTINUED FROM PCT/ISA/ 210

Continuation of Box II.2

The present claim 18, 37 and 38 relates to an extremely large number of possible compounds/methods. It is not clear at all which compounds fall under the scope of said claims. Support and disclosure in the sense of Article

6 and 5 PCT is to be found however for only a very small proportion of the

compounds claimed, as defined by claim 19.

The search of claim 18 will be restricted to those claimed compounds which appear to be supported according to claim 19, in case that further search fees are paid.

The applicant's attention is drawn to the fact that claims relating to inventions in respect of which no international search report has been established need not be the subject of an international preliminary examination (Rule 66.1(e) PCT). The applicant is advised that the EPO policy when acting as an International Preliminary Examining Authority is normally not to carry out a preliminary examination on matter which has not been searched. This is the case irrespective of whether or not the claims are amended following receipt of the search report or during any Chapter II procedure. If the application proceeds into the regional phase before the EPO, the applicant is reminded that a search may be carried out during examination before the EPO (see EPO Guideline C-VI, 8.5), should the problems which led to the Article 17(2) declaration be overcome.

INTERNATIONAL SEARCH REPORT

Information on patent family members

International Application No

PCT/EP2005/000873

Patent document cited in search report		Publication date	Patent family member(s)	Publication date
WO 03025576	A	27-03-2003	CA 2460131 A1	27-03-2003
			JP 2005503557 T	03-02-2005
			US 2005048489 A1	03-03-2005
<hr/>				